

IN THE DISTRICT COURT OF GUAM
TERRITORY OF GUAM
MAGISTRATE CRIMINAL MINUTES
SENTENCING

FILED
DISTRICT COURT OF GUAM

NOV 30 2005

MARY L.M. MORAN
CLERK OF COURT

CASE NO. MJ-05-00020

DATE: November 30, 2005

HON. JOAQUIN V. E. MANIBUSAN, JR., Magistrate Judge, Presiding

Law Clerk: Judith Hattori

Court Reporter: Wanda Miles

Courtroom Deputy: Leilani Toves Hernandez

Hearing Electronically Recorded: 10:02:05 - 10:40:53

CSO: L. Ogo

***** A P P E A R A N C E S *****

DEFT: RICHARD JAIMES

ATTY : RICHARD JAIMES

(X) PRESENT () CUSTODY () BOND (X) P.R.

(X) PRESENT () RETAINED (X) FPD () CJA APPOINTED

U.S. ATTORNEY: STEVE CHIAPPETTA

AGENT:

U.S. PROBATION: STEVE GUILLIOTT

U.S. MARSHAL: NONE PRESENT

() COURT STATES THE APPROPRIATE BASE OFFENSE LEVELS

Base offense level:

Total offense level:

Criminal History Category:

NO OBJECTIONS BY THE GOVERNMENT AND DEFENSE

(X) ATTORNEY FOR DEFENDANT ADDRESSES THE COURT:

Requested the Court not impose a fine, in light of the punishment already imposed by the Commanding Officer and that a sentence of one year probation is appropriate.

(X) DEFENDANT ADDRESSES THE COURT AND APOLOGIZES

(X) GOVERNMENT ADDRESSES THE COURT AND MAKES ITS RECOMMENDATION:

A two year term of probation and community service is a reasonable sentence.

() LETTER(S) OF RECOMMENDATION RECEIVED BY THE COURT

NOTES/OTHER MATTERS:

Officer Muto called by defense, sworn, and examined.

(X) DEFENDANT SENTENCED TO PROBATION FOR A TERM OF TWO YEARS.

THE TERM OF PROBATION WILL INCLUDE THE FOLLOWING CONDITIONS:

1. AS A CONDITION OF PROBATION, THE DEFENDANT SHALL SERVE 48 HOURS CONFINEMENT, TO COMMENCE ON DECEMBER 1, 2005 AT 9:00 A.M., AND END ON DECEMBER 3, 2005 AT 9:00 A.M.
2. DEFENDANT SHALL NOT COMMIT ANY FEDERAL, STATE OR LOCAL CRIMES.
3. DEFENDANT SHALL NOT USE OR POSSESS ANY UNLAWFUL CONTROLLED SUBSTANCES.
4. DEFENDANT SHALL SUBMIT TO ONE URINALYSIS WITHIN 15 DAYS OF BEING PLACED ON PROBATION AND, TO TWO MORE URINALYSIS WITHIN 60 DAYS THEREAFTER.
5. DEFENDANT SHALL COMPLY WITH THE STANDARD CONDITIONS OF PROBATION AS SET FORTH BY THE U.S. SENTENCING COMMISSION.
6. DEFENDANT SHALL NOT POSSESS A FIREARM OR OTHER DANGEROUS WEAPON, EXCEPT AS REQUIRED BY HIS EMPLOYER.
7. DEFENDANT SHALL REFRAIN FROM THE USE OF ANY AND ALL ALCOHOLIC BEVERAGES.
8. DEFENDANT SHALL SUBMIT TO UP TO EIGHT ALCOHOL TESTS PER MONTH.
9. DEFENDANT SHALL SUBMIT TO THE COLLECTION OF A DNA SAMPLE AT THE DIRECTION OF THE U.S. PROBATION OFFICE.
10. DEFENDANT'S PRIVILEGE TO OPERATE A MOTOR VEHICLE UPON ANY U.S. MILITARY RESERVATION SHALL BE SUSPENDED FOR A PERIOD OF SIX MONTHS. TRAVEL IS RESTRICTED TO AND FROM THE DEFENDANT'S RESIDENCE AND PLACE OF WORK, AND SUCH OTHER TRAVEL THAT MAY BE REQUIRED BY HIS EMPLOYER. DEFENDANT'S ABILITY TO OPERATE A MOTOR VEHICLE IS NOT RESTRICTED OUTSIDE THE CONFINES OF THE U.S. MILITARY RESERVATION.
11. DEFENDANT SHALL PARTICIPATE IN A PROGRAM APPROVED BY THE U.S. PROBATION OFFICE FOR SUBSTANCE ABUSE, WHICH PROGRAM MAY INCLUDE TESTING TO DETERMINE WHETHER THE DEFENDANT HAS REVERTED TO THE USE OF DRUGS OR ALCOHOL. THE DEFENDANT SHALL ALSO MAKE CO-PAYMENT FOR THE PROGRAM AT A RATE TO BE DETERMINED BY THE U.S. PROBATION OFFICE. THE DEFENDANT'S PARTICIPATION IN SUCH A PROGRAM OFFERED BY THE DEPARTMENT OF THE NAVY WILL COUNT TOWARDS THIS REQUIREMENT AND MUST BE COORDINATED WITH THE U.S. PROBATION OFFICE.

DEFENDANT WAS ORDERED TO PAY A FINE OF \$1,000.00 AND A SPECIAL ASSESSMENT FEE OF \$25.00 IMMEDIATELY AFTER SENTENCING WITH A PAYMENT SCHEDULE OF THE FINE TO BE COORDINATED WITH THE U.S. PROBATION OFFICE.

COURT STATED THE JUSTIFICATION OF SENTENCE IMPOSED. DEFENDANT WAS ADVISED OF HIS APPEAL RIGHTS.

Courtroom Deputy: 